

B2
6. (Amended) The tack label according to claim 1, wherein a surface area of said masking layer is 5 - 90% of that of said adhesive layer.

Sub
con
B3
8. (Twice Amended) A plastic container with a tack label stuck on a container body, wherein said tack label comprises a label base material, a printing layer formed on a first surface of the label base material, an adhesive layer formed on a second surface which opposes the first surface of the label base material for adhering the tack label on the surface of the container body, said adhesive layer comprises a hot water-soluble adhesive having a property which is substantially insoluble in water at a normal temperature and readily soluble in hot water, whereby said tack label is easy to peel from the container body under an environment with hot water while difficult to peel from a container body under a processing environment with the normal temperature water and a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at a part of an edge of said adhesive area.

B4
12. (Twice Amended) The plastic container according to claim 8, wherein the label base material of said tack label comprises a material whose specific gravity is less than one.

REMARKS

Claims 1, 2, 6-9 and 12 are pending. By this Amendment, claims 1, 6, 8, and 12 are amended and claims 3-5, 10 and 11 are canceled without prejudice to or disclaimer of the subject matter contained therein.

The attached Appendix includes a marked-up copy of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Claim 1 is objected to due to an informality. By this Amendment, claim 1 has been amended as suggested by the Examiner to overcome the objection. It is respectfully requested that objection be withdrawn.

Claims 1, 8 and 9 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

With regards to using "normal temperature" and "hot water", Applicants assert that these phrases are definite to one skilled in the art. As discussed on page 3, lines 26 - page 5, line 10, page 6, line 27- page 7, line 8, page 9, lines 4-18, page 10, line 10 - page 11, line 5, page 11, lines 10-16, page 15, lines 2-17 and page 18, line 26 - page 19, line 15, Applicants' describe water which is at both a normal temperature and water which is hot water.

Applicants assert that water at normal temperature, i.e., ordinary temperature, is a well established term widely used in the chemical field. Water at a normal or ordinary temperature is normally used in washing bottles, for example, where peeling of a label is not desired. Conversely, hot water is used in peeling a label. Applicants assert that these concepts are well established in the label-peeling, recycling bottle industries. As such, Applicants assert that the use of "normal temperature" and "hot water" are definite to one skilled in the art.

With regards to the use of "not easily peeled" Applicants assert that this phrase is also definite to one skilled in the art. As discussed on page 4, lines 4 and 5 of Applicants' specification, "easy to peel" corresponds to a label having a low peeling resistance whereas "not easily peeled" refers to a high peeling strength. As also discussed on page 3, line 26 - page 4, line 28, peeling resistance depends on the adhesive solubility and the immersing time of the label at a given temperature.

As such, in view of the foregoing and in view of the further amendments to claims 1 and 8, Applicants assert that claims 1, 8 and 9 are clear and definite. It is respectfully requested the rejection be withdrawn.

Claims 1, 2, 7-9 and 12 were rejected under 35 U.S.C. §102(b) over GB 2 259 291 (GB '291), claims 3, 5-6, 10 and 11 were rejected under 35 U.S.C. §103(a) over GB '291 in

view of Vines et al. (Vines), U. S. Patent No. 5,631,055 and claims 3, 5-6, 10 and 11 were rejected under 35 U.S.C. §103(a) over GB '291 in view of Aoyagi, U.S. Patent No. 4,032,679. The rejections of claims 3, 5, 10 and 11 have been rendered moot by their cancellation. The rejections of claims 1, 2, 6-9 and 12 is respectfully traversed.

Applicants assert none of GB '291, Vines nor Aoyagi teaches or suggests a tack label comprising a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at a part of an edge of said adhesive area as recited in Applicants' claim 1 and as similarly recited in claim 8.

As stated on pages 6 and 7 of the Office Action, Lowman fails to disclose Applicants' non-adhesive masking layer formed on a central part and a part of an edge of the adhesive area.

Vines discloses a paint masking assembly whose first embodiment includes a sheet of liner material, a continuous sheet 12 of paint masking material and a layer 13 of pressure sensitive adhesive (col. 4, lines 10-16 and Fig. 2). The sheet 11 of liner material has a slit 15 between its major surfaces to define a first part 16 of the sheet 11 of liner material extending over a first portion 17 of layer 13 and pressure sensitive adhesive and a second part 18 of the sheet 11 of liner material extending over a second portion 19 of the layer 13 of pressure sensitive adhesive (col. 4, lines 26-32). The second part 18 of the sheet 11 of liner material has a periphery entirely spaced from the periphery of the sheet 12 of paint masking material so that the first portion 17 of the layer 13 of pressure sensitive adhesive extends in a continuous band around the entire periphery of the sheet 12 of paint masking material (col. 4, lines 32-37). In the second embodiment of Vines, a slit 25 is placed to define a first part 26 of the sheet 21 of liner material extending over a generally C-shaped first portion 27 of the layer 23 of pressure sensitive adhesive, and to define a second part 28 of the sheet 21 of liner

material extending over a second generally rectangular portion 29 of the layer 23 of pressure sensitive adhesive (col. 5, lines 12-24).

Applicants thus assert that it is neither taught nor disclosed in Vines to include a non-adhesive layer formed at both a central part of the adhesive layer and at a part of an edge of a ring-shaped adhesive area. It is only taught and disclosed in Vines to place a non-adhesive layer at either a central part (first embodiment) or as a rectangular portion extending from an edge to a central part (second embodiment).

Aoyagi discloses a sticker with a sheet 21 made of flexible sheet material and adhesive layer 22 of pressure sensitive adhesive. When the sheet 21 is detached from the release paper 23, the clipping 21a is cut out along the parting line 24 and is left on the release paper. Thus a sticker may be detached from the clipping in the form of an annular piece 21b of sheet material (col. 2 lines 6-16 and Figs. 2 and 3). However, Aoyagi fails to disclose Applicants' claimed invention because Aoyagi also fails to form a non-adhesive layer at both a central part and at an edge of a ring-shaped adhesive area as recited in Applicants' claims 1 and 8. As shown in Fig. 3 of Aoyagi, it is neither taught nor disclosed to put a non-adhesive layer on an exposed portion of adhesive 22c.

In addition, claims 2, 6, 7, 9 and 12 recite additional features of the invention and are also believed to be allowable at least for reasons discussed above with respect to claims 1 and 8 and for the additional features recited therein. It is respectfully requested the rejections be withdrawn.

Claims 1, 8 and 9 were rejected under 35 U.S.C. §102(b) over Dudzik et al. (Dudzik), U.S. Patent No. 4,444,839, claims 3, 5-6, 10 and 11 were rejected under 35 U.S.C. §103(a) over Dudzik in view of Vines and claims 3, 5-6, 10 and 11 were rejected under 35 U.S.C. §103(a) over Dudzik in view of Aoyagi. The rejections of claims 3, 5, 10 and 11 have been

rendered moot by their cancellation. The rejections of claims 1, 2, 6-9 and 12 are respectfully traversed.

As stated on pages 8-10 in the Office Action, Dudzik fails to disclose a non-adhesive masking layer formed on a central part and a part of an edge of the adhesive area as recited in claims 1 and 8. In addition, Applicants also assert Vines and Aoyagi fail to overcome the deficiencies of Dudzik for the reasons set forth above.

In addition, claims 2, 6, 7, 9 and 12 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above with respect to claims 1 and 8 and for the additional features cited therein. It is respectfully requested the rejections be withdrawn.

The rejection of claims 1, 8 and 9 under 35 U.S.C. §102(b) over EP 0 326 039 (EP '039) and of claims 7 and 12 under 35 U.S.C. §103(a) over EP '039 in view of *Specific Gravity of Major Polymers* has been rendered moot by the incorporation of the non-adhesive masking layer into claims 1 and 8, respectively. It is respectfully requested the rejections be withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 6-9 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Attachment:
Appendix

Date: December 30, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--

APPENDIX

Changes to Claims:

Claims 3-5, 10 and 11 are canceled.

The following is a marked-up version of the amended claims:

1. (Twice Amended) A tack label comprising a label base material, a printing layer formed on a first surface of the label base material, ~~and an adhesive layer formed on a~~ second surface which opposes the first surface of the label base material, wherein said adhesive layer ~~comprising~~ comprises a hot water-soluble adhesive which is ~~difficult to~~ dissolve substantially insoluble in water at a normal temperature and readily soluble ~~and easy~~ to dissolve in hot water, and a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at a part of an edge of said adhesive area.

6. (Amended) The tack label according to claim 31, wherein a surface area of said masking layer is 5 - 90% of that of said adhesive layer.

8. (Twice Amended) A plastic container with a tack label stuck on a container body, wherein said tack label comprises a label base material, a printing layer formed on a first surface of the label base material, ~~and an adhesive layer formed on a second surface~~ which opposes the first surface of the label base material for adhering the tack label on the surface of the container body, said adhesive layer comprises a hot water-soluble adhesive having a property which is ~~difficult to dissolve~~ substantially insoluble in water at a normal temperature and readily soluble ~~easy to dissolve in hot water~~, whereby said tack label is easy to peel from the container body under an environment with hot water while difficult to peel from a container body under a processing environment with the normal temperature water, and a non-adhesive masking layer formed in a central part of the adhesive layer, so that the

adhesive layer has a ring-shaped adhesive area, and formed at a part of an edge of said adhesive area.

12. (Twice Amended) ~~Tack label~~ The plastic container according to claim 8, wherein the label base material of said tack label comprises a material whose specific gravity is less than one.